

REMARKS

Upon entry of the present amendment, claims 1-3 and 6 will be pending and under examination (claims 4, 5 and 7-10 having been canceled). Claims 1 and 2 have been amended to recite particular amino acid residues of SEQ ID NO:6. Support for these amendments can be found at, *e.g.*, page 3, lines 19-23; and Figure 1. Claim 6 has been rewritten in independent form, as discussed below. No new matter has been added.

The specification has been amended to comply with the requirements for claiming priority, as discussed below. No new matter has been added.

Elections/Restrictions

The Examiner maintains that claims 9 and 10 are withdrawn from further consideration. The Examiner states that Applicants' traversal "is not found persuasive because a special technical feature does not exist between the different methods of the two groups since each method contains steps not present in other methods" (Office Action at page 2). Although Applicants disagree, Applicants have canceled claims 9 and 10 and expressly reserve their right to pursue the subject matter of claims 9 and 10 by way of divisional applications.

Information Disclosure Statement

The Examiner has not considered reference "AC" listed on the form PTO-1449 filed with the Information Disclosure Statement on October 29, 2003, because this document (DE 197 52 854 A1) is entirely in German. Applicants are filing herewith a Supplemental Information Disclosure Statement and an English translation of the abstract for DE 197 52 854 A1 as well as a copy of the corresponding Canadian application, which was published in English. Applicants respectfully request the Examiner consider these references and return an initialed copy of the form PTO-1449 to Applicants' representatives.

Objections to the Specification

The Examiner objects to the claim of priority in the first sentence of the specification. Applicants have amended the first sentence of the application to refer to the present application as “the National Stage of International Application No. PCT/DE00/03444 filed on September 27, 2000”. This priority claim is in compliance with MPEP 201.11 and 1893.03(c), and Applicants respectfully request the Examiner withdraw this objection.

Claim Objections – Allowable Subject Matter

The Examiner objects to claims 1 and 2, stating that “[s]equence identifiers are needed to describe the claimed sequence present in Figure 1” (Office Action at page 3). Applicants have amended claims 1 and 2 to recite “SEQ ID NO:6” and the particular amino acid residues that are present within the scFV portion of the polypeptide and the leader sequence. Given that Applicants have now referenced a specific SEQ ID NO. and that claims 1 and 2 are not rejected on any other basis, Applicants respectfully request that the Examiner withdraw this objection and allow claims 1 and 2.

Claim 3 was only “objected to as being dependent upon an objected base claim” (Office Action at page 3). As Applicants have addressed the Examiner’s ground for objection of claim 1, claim 3 is also now in condition for allowance.

The Examiner objects to claim 6 “as being dependent upon a rejected base claim” (Office Action at page 3). Claim 6 formerly depended from rejected claim 4, which in turn depended from claim 1. Claim 6 has been rewritten in independent form, incorporating all of the limitations of presently-amended claims 1 and 4. Thus, Applicants respectfully submit that claim 6 is now in condition for allowance.

Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejects claims 7 and 8 “as failing to comply with the enablement requirement” (Office Action at page 4). Although Applicants respectfully disagree, in the

Applicant : Klaus Cichutek *et al.*
Serial No. : 10/089,278
Filed : October 24, 2002
Page : 6 of 6

Attorney's Docket No.: 11692-006US1
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interest of advancing prosecution, Applicants have canceled claims 7 and 8, rendering this rejection moot.

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejects claims 4, 5 and 8 as indefinite. Although Applicants respectfully disagree, in the interest of advancing prosecution, Applicants have canceled claims 4, 5 and 8, rendering this rejection moot.

Rejections under 35 U.S.C. § 101

The Examiner rejects claim 8 as being "a claim which is not a proper process claim" (Office Action at page 10). Although Applicants respectfully disagree, in the interest of advancing prosecution, Applicants have canceled claim 8, rendering this rejection moot.

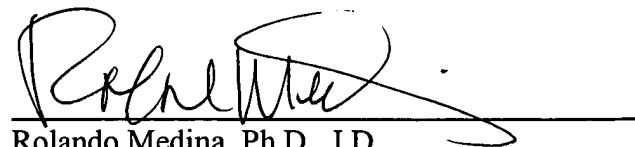
CONCLUDING REMARKS

Applicants maintain that the currently pending claims are in condition for allowance and respectfully request that the Examiner pass this application to allowance.

Enclosed is a Petition for Extension of Time along with the required fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney's Docket No. 11692-006US1.

Respectfully submitted,

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